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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
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In the Matter of

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Amendment of Section 73.622(b),
Table of Allotments,
Digital Television Broadcast Stations
(Panama City, Florida)

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MM Docket No. 99-318
RM-9745

To: Chief, Video Services Division

CONSOLIDATED REPLY COMMENTS
OF WAITT LICENSE COMPANY OF FLORIDA, INC.

Waitt License Company of Florida, Inc. ("Waitt"), licensee of Station WPGX(TV), Panama City, Florida, and proponent of the above-captioned rule making proposing to substitute DTV Channel 9 for WPGX's allotted DTV Channel 29, by its attorney and pursuant to the Commission's *Notice of Proposed Rule Making*, DA 99-2303 (MM Bur.), released November 1, 1999, replies to the Comments filed by Emmis Television License Corporation of Mobile, licensee of Station WALA(TV), Mobile, Alabama ("Emmis" or "WALA"), and Associated Christian Television System, Inc., licensee of WACX-LP, Tallahassee, Florida ("ACTS").

Waitt filed its Petition for Rule Making on June 24, 1999 and submitted Comments on November 9 restating its intention to apply for DTV Ch. 9 if it is allotted and, if authorized, to build the station promptly. Those Comments are hereby reaffirmed.

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WALA(TV) operates on NTSC Ch. 10 and was assigned DTV Ch. 9, with ERP of 16.5 kW and HAAT of 381 meters. Emmis admits that Waitt's proposal is "clear" with respect to WALA's DTV allotment. On October 28, more than four months after Waitt's proposal, Emmis filed a DTV construction permit application (BPCDT-19991028AEO) proposing ERP of 18 kW at a lower HAAT. Emmis also admits that Waitt's Ch. 9 proposal was unaffected by the WALA checklist application and that WPGX and WALA could have coexisted on DTV Ch. 9 without unacceptable interference to one another. See Engineering Statement of Bernard R. Segal, P.E, annexed hereto as Appendix 1.

Eight weeks later, on December 21 (the day before tendering its Comments), Emmis amended its application to increase WALA-DT's ERP to 124 kW. Now Emmis complains that Waitt's proposal would cause impermissible interference to the subsequently amended WALA application. Its complaint is both untimely and specious. Because the amendment is a transparent attempt to obstruct Waitt's previously-filed proposal, and for the reasons set forth below, Emmis's application as amended must be rejected.

ACTS' WACX-LP operates on Ch. 9 with 18 watts ERP. ACTS says that it "fully intends" to pursue primary Class A status under the Community Broadcasters Protection Act of 1999. "Assuming its success," (ACTS' own words; Comments at 3), ACTS insists this possibility warrants preemption of WPGX's full-service DTV operation on Ch. 9. ACTS, which at 2 gratuitously characterizes Waitt's Petition for Rule Making as "disingenuous at best and misleading at worst," apparently forgets to mention that it is also the licensee of full-

power station WACX-TV, Ch. 55, Leesburg (Orlando), Florida, and that WACX-LP is nothing but a rebroadcast outlet for WACX-TV's programming originated in Orlando. See Appendix 3 hereto.

In their respective Comments, Emmis and ACTS advance similar procedural arguments and utilize the same consulting engineer (doubtless coincidence and not collusion). Both assert that Waitt's Rule Making Petition should be rejected because it did not demonstrate a "need" for a change from DTV Ch. 29 to Channel 9. However, a showing of "need" is not required for a rule making proposal and it is noteworthy that *Emmis has also failed to show any "need" for its attempted blocking amendment*, proffered five months after Waitt's proposal, one day ahead of its Comments and nearly three weeks after the NPRM was released. Emmis's arrogant presumption that an amendment to an ungranted application takes precedence over Waitt's already accepted DTV proposal is simply wrong. Emmis does not, and cannot, cite a single FCC precedent to support this illogical claim.

Although a rule making proponent is not required to demonstrate "need," the fact is that grant of Waitt's Ch. 9 DTV proposal significantly advances the public interest. Annexed hereto as Appendix 2 is the Declaration of Steven W. Seline, Waitt's Vice-Chairman and Vice President. The Declaration speaks for itself. Pertinently, Mr. Seline points out that Waitt has been licensee of WPGX for little more than a year. He affirms that the considerable economic advantages of operation on DTV Ch. 9 will enable WPGX -- which serves a much smaller market than WALA and has not, for fiscal reasons, originated local

programming for some years prior to Waitt's stewardship -- to commence service much earlier than would be feasible if the station operated on much more costly Ch. 29. Waitt's highest priority is improving WPGX's local program operation and quickly bringing another local news, sports and weather "voice" into its community. Mr. Seline pledges to initiate local news and other such programming at the earliest feasible time. Ch. 9 WPGX operation constitutes a meaningful public interest benefit.

The following summaries address, in turn, the respective "merits" of the Emmis and ACTS Comments.

Emmis

Emmis's claim of entitlement to block a previously pending DTV rule making proposal through an amendment which creates previously nonexistent interference, is shattered by the Engineering Statement, which demonstrates that Emmis's interference analysis is grounded on fundamentally erroneous assumptions.¹

Emmis's last minute amendment increases the WALA-DT ERP from 18 to 124 kW. Emmis claims that this power increase, factored against the existing WPGX proposal, would result in interference from WPGX-DT to 50,637 persons, 5.02 % of the 1,008,000 allotted WALA-DT baseline population.

¹ Emmis's consulting engineer agrees with Waitt and the Commission that Waitt's DTV proposal conforms to Section 73.623(c)(2) of the Rules *and* that Waitt's proposal properly protects both the allotment and checklist proposal for WALA-DT. App. 1 at 2.

The flaw in Emmis's reasoning is that the Commission's Public Notice, "Application Processing Guidelines for Digital Television (DTV)," released August 10, 1998, and which sets out the standards for determining 10% and 2% *de minimis* limits for DTV, says plainly that the processing guidelines pertain to "authorized facilities," not to applications. Since Emmis's amendment has not been "authorized" -- indeed, at this writing has not been received a file number -- "the only condition which must be satisfied by Waitt's proposal for WPGX-DT is the observance of the 2% de minimis interference level with respect to the allotment for WALA-DT," *not* the new WALA amendment. Engineering Statement at 3-4.² Emmis admits Waitt has fully met this condition; see footnote 1, *supra*; the Commission plainly agrees, hence its issuance of the NPRM.

Based on the processing guidelines Public Notice, the Engineering Statement concludes at 4 that "[a]ll claims by Emmis made on the premise of excessive interference to its amended pending proposal are specious and disingenuous, particularly since the Emmis amendment post-dates the Waitt Petition by about five months." Emmis's obstructionist amendment does not justify denial of Waitt's proposed channel change; indeed, it is the late amendment, not the much earlier rule making proposal, that must be rejected.

At best Emmis's amendment might be considered as a counterproposal which may or may not be mutually exclusive with Waitt's Ch. 9 DTV proposal. Since there are at present

² Accord, footnote 10 of the aforementioned Public Notice, where, adverting to its Memorandum Opinion and Order on Reconsideration of the Sixth Report and Order in MM Docket No. 87-268, In the Matter of Advanced Television Systems and Their Impact upon the Existing Broadcast Services ("Order"), 13 FCC Rcd 7418 (1998), the Commission states that it has not yet decided how to resolve mutually exclusive DTV service

no criteria for resolving, or even establishing, mutual exclusivity between an earlier DTV proposal and a significantly later DTV application amendment, the parties can confer and agree to reach mutually beneficial compromises, like modifying proposals or simply agreeing to accept one another's interference. See Engineering Statement at 4. In the interest of avoiding protracted litigation -- which serves no one's interest, delays the initiation of new DTV service to Mobile and Panama City, and diverts the time and resources of the already overextended Video Services Division staff -- Waitt urges Emmis to consider a more cooperative and mutually advantageous course of action.

In that spirit, the Engineering Statement calculates both WPGX-DT's and WALA-DT's respective interference-free service, both without accounting for the other's proposal and with the other proposal considered. That tabulation appears in App. 1, p. 5 and confirms that the interference caused by WALA to WPGX, and vice versa, if both proposals are implemented, would *not* preclude simultaneous operation by both stations on DTV Ch. 9. Panama City and Mobile are over 100 miles apart and located in different DMAs; both are Fox affiliates and the stations do not compete for viewing audience or advertising revenues.

If both proposals were implemented, neither WPGX nor WALA would receive interference resulting in service loss in excess of 10% of the actual baseline populations (rather than the allotment baseline populations listed in Appendix B of the *Order* and

maximization applications. It appears evident that, as the first in, WPGX-DT's proposal and eventual Ch. 9 application for maximized facilities should take precedence over WALA-DT's blocking maneuver.

incorrectly relied on by Emmis). Engineering Statement at 6. Such service losses as are likely to occur would be on the fringes of the stations' coverage areas.

Moreover, if both proposals were effectuated, the result would be a net mutual increase in population served by WPGX-DT and WALA-DT of 214,400. This is a significantly greater service improvement than could be realized by either proposal standing alone and serves the public interest. Engineering Statement at 7. The reality is that both WPGX and WALA could comfortably serve their communities in the brave new DTV world without actual harm to each other.

Accordingly, Emmis's Comments should be rejected.

ACTS

As noted above, ACTS makes a lame pretense of compliance with the Community Broadcasters Protection Act of 1999 (the "Protection Act") and achieving a Class A designation. Its Comments lack specificity, and with good reason: available evidence indicates its certification efforts are doomed.

By its terms the Protection Act requires that, to be eligible for Class A status the licensee's station must, during the 90 days ending November 28, 1999, have: (a) broadcast a minimum of 18 hours per day; (2) broadcast an average of 3 hours per week of programming produced within the station's market area; and (3) been in compliance with all LPTV regulations. At least with respect to (2), above, it appears, by extrapolating from current

data created by ACTS, that ACTS cannot meet the three-tier Protection Act minimum.

Although ACTS does not mention it, WACX-LP is a low power retransmission outlet for its parent Station WACX-TV, Ch. 55, serving the Orlando market. WACX-LP is effectively a TV translator.³ It appears that all the programming aired on the LP is originated in Orlando and fed to Tallahassee for rebroadcast. Appendix 3 consists of the most recent program schedules for WACX-TV and WACX-LP (called "Tallahassee TV-9"). The schedules are from the WACX-TV web site and cover the period December 26-31, 1999. (Program schedules for the 90 days prior to November 29 were not immediately available but are being obtained.) Most if not all the programs on the two schedules are identical, though often aired at different times. Given ACTS' failure to even acknowledge the existence of its full-service Orlando parent, and its inability to claim compliance with the Protection Act, it may be concluded that WACX-LP did not broadcast three hours per week of locally produced programming during the pertinent three-month period. On that basis alone, its Comments should be dismissed.

There is more. In a Public Notice released December 7, 1999, DA 99-2739, "Community Broadcasters Protection Act of 1999" sets Deadline of December 31, 1999 for Full Service TV Stations to File Letters of Intent to Maximize Their DTV Facilities, the Commission states, *inter alia*: "The Act . . . provides that the service areas of Class A-designated stations are not preserved with respect to commercial and noncommercial DTV

³ On information and belief, ACTS' Tallahassee presence consists of a small office in an eight-tenant two-story building. It does not originate programming locally.

stations seeking to replicate their analog service areas, nor from 'maximized' DTV facilities for which applications or notices of intent to maximize were filed by **December 31, 1999.**" (Emphasis in original.) Waitt filed a Notice of Intent to Seek Maximization of Digital Television Station WPGX-DT on October 28, 1999. Therefore, even if ACTS were somehow to succeed in achieving Class A certification, it could not preclude WPGX from operating on DTV Ch. 9. It would fundamentally undermine the Commission's plan for implementation of new digital television service if an 18-watt LPTV could preempt a new primary DTV operation. *See, generally, Order*, 13 FCC Rcd at 75244-7536 (in view of their secondary status, no changes generally made to protect LPTV stations versus full-service DTV stations).

However, in the spirit of cooperation the Engineering Statement points out, at 8-10, that if DTV Ch. 9 is allotted to Panama City, upon its displacement WACX-LP can switch to Ch. 8, "with the same zero frequency as at present and with the same 18 watts of effective radiated power as at present, and with the antenna radiation center height above mean sea level unchanged at 122 meters . . . As a matter of fact, power in excess of the current 18 watts would be possible, if desired." A move to Ch. 8 from Ch. 9 "would require only the retuning of the transmitter. No other component of the transmission system would have to be modified or altered." Waitt has found an *upgrade* for ACTS.⁴

⁴ Contrast Emmis's and ACTS' cynical "discovery" that WPGX could move from its allotted Channel 29 to DTV Channel 26!


In summary, ACTS' 18-watt LPTV facility cannot preempt the WPGX-DT Ch. 9 proposal. When WPGX commences operations on DTV Ch. 9, ACTS (upon FCC concurrence and with no more than a transmitter retuning) can simply switch to Ch. 8, and operate with *increased power*. Its Comments should be disregarded.

CONCLUSION

WHEREFORE, for these reasons, the public interest would be served by amending the DTV Table of Allotments to specify Ch. 9 in lieu of Channel 29 for Station WPGX. While Waitt is willing to work cooperatively with Emmis so that both WPGX-DT and WALA-DT can serve their respective communities with maximized facilities on Ch. 9, and has found a better frequency for WACX-LP, the Comments of Emmis and ACTS are meritless and should be rejected.

Respectfully submitted,

**WAITT LICENSE COMPANY OF
FLORIDA, INC.**

By:  _____
Lawrence Bernstein

Its Attorney

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Attachments

January 7, 2000

APPENDIX 1

Engineering Statement of
Bernard R. Segal, P.E.

Bernard R. Segal, P.E.
Consulting Engineer
Washington, DC

**ENGINEERING STATEMENT
IN SUPPORT OF
CONSOLIDATED REPLY COMMENTS OF
WAITT LICENSE COMPANY OF FLORIDA, INC.
PANAMA CITY, FLORIDA
MM DOCKET NUMBER 99-318, RM-9745**

The instant Engineering Statement has been prepared on behalf of Waitt License Company of Florida, Inc. (Waitt), licensee of station WPGX(TV), Panama City, Florida, and the proponent in MM Docket Number 99-318, RM-9745, for amendment of the Digital Television Table of Allotments to specify Ch. 9 in lieu of Ch. 29 for DTV use for NTSC station WPGX. This Statement is in support of a Consolidated Reply to Comments submitted by Emmis Television License Corporation of Mobile (Emmis) and Associated Christian Television System, Inc. (ACTS).

Emmis has submitted Comments which allege, in part, that the Waitt proposal would cause impermissible interference to WALA-DT. This Engineering Statement demonstrates that the allegation is false, and that the interference analysis that was used by the Emmis engineering consultant in support of that claim was premised on incorrect assumptions.

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As an initial matter, it is important to point out that the Emmis Engineering Statement concurs with the conclusion reached by the undersigned and by the FCC that the Waitt proposal demonstrates compliance with Section 73.623(c)(2). (See Emmis Exhibit B, Engineering Statement by Lohnes and Culver, first paragraph under the heading, Waitt Technical Proposal.

Emmis is the licensee of station WALA-TV, Ch. 10 at Mobile, Alabama. The FCC has allotted Ch. 9 for DTV use with replication facilities of 16.5 kW/381 meters. A checklist application was submitted on October 28, 1999, for operation with effective radiated power of 18.0 kW and antenna radiation center height above average terrain of 346 meters. As stated earlier, Emmis concedes that the Waitt proposal adequately protects both the allotment and checklist proposal for WALA-DT.

Emmis submitted an amendment on November 21, 1999, which proposes to increase the WALA-DT effective radiated power from 18.0 kW to 124 kW with an antenna height above average terrain of 346 meters. It is with respect to this recently submitted proposal that Emmis claims excessive interference would be caused by the Waitt proposal. In making that assertion,

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Emmis concludes that the new interference from the proposed WPGX-DT operation will impact 50,637 persons or 5.02% of the WALA-DT baseline population of 1,008,000 as set forth in Appendix B of the Commission's Second Memorandum. On that basis, the Emmis consultant claims that the de minimis interference criteria of Section 73.623(c)(2) with WALA-DT operating with maximum facilities "as permitted under the Commissions Rules", is not satisfied.

The Emmis consultant fails to recognize that the WALA-DT 124 kW proposal that is before the Commission is a pending application. It has no privileged standing with respect to the pending rulemaking for WPGX-DT. As a matter of fact, in the FCC's Public Notice of August 10, 1998, entitled "Additional Application Processing Guidelines for Digital Television (DTV)", the FCC, under the heading "Determining 10% and 2% de minimis limits for DTV", clearly states that "if, subsequent to the *Order* the DTV station has been authorized facilities that allow it to cover a new area beyond that covered by the allotment facilities, an additional DTV service should be calculated for the modified facilities in the same manner as was done in the *Order*" (emphasis added). Since the Emmis proposal has not been authorized, the only condition

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which must be satisfied by Waitt's proposal for WPGX-DT is the observance of the 2% de minimis interference level with respect to the allotment for WALA-DT, not the pending non-checklist proposal. All claims by Emmis made on the premise of excessive interference to its amended pending proposal are specious and disingenuous, particularly since the Emmis amendment post-dates the Waitt Petition by about five months.

At best, the Emmis proposal is no more than a counter proposal which may or may not be mutually exclusive with the Waitt proposal. There are no established criteria for determining mutual exclusivity in a situation such as is here involved. It is possible for the parties to confer and agree to accept each other's interference, or to agree to modify their respective proposals in fashions that are mutually acceptable. Alternatively, the FCC may be faced with the prospect of determining which proposal is in the greater public interest.

In order to assist in determining an appropriate course of action, the undersigned has calculated the interference-free service for WALA-DT, as proposed, without and with taking into account interference from the proposed WPGX-DT, and similarly determined the interference-free population for the

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WPGX-DT proposal without and with taking into account the WALA-DT proposal, as amended. The tabulation below summarizes the results.

	Amended WALA-DT Ch. 9, 124 kW, 346 m		Proposed WPGX-DT Ch. 9, 100 kW (MAX-DA), 207 m	
	(Thous.)	(%)	(Thous.)	(%)
A) Interference-free service w/o regard to interference from the opposing proposal	1163.9	(100)	344.1	(100)
B) Interference from the opposing proposal	48.7	(4.2)	26.6	(7.7)
C) Net service with interference from the opposing proposal	1115.2	(95.8)	317.5	(92.3)
D) Service improvement with respect to FCC Appendix B allotment baseline w/o regard to interference from the opposing proposal	156.6		133.1	
E) Service improvement with respect to FCC Appendix B allotment baseline with interference from the opposing proposal	107.9		106.5	

It is clear from the foregoing that the interference the proposed WPGX-DT operation would cause to the amended WALA-DT operation and the interference caused by the amended WALA-DT operation to the proposed WPGX-DT operation are not so great as to preclude simultaneous operations. Neither proposal would receive interference so great as to result in service loss that is greater than 10% of the respective baseline populations, where the baseline populations are not the same as in Appendix B, but rather are the newly evaluated figures based on the non-check list facilities that are proposed by Waitt and Emmis. It makes better sense not to use the Appendix B baseline populations since both the WPGX-DT proposal and the WALA-DT amendment specify facilities which yield far greater coverages than the facilities specified for Grade B replication purposes. Of course, this is in contrast to what the Emmis engineering consultant attempted to do in claiming that the WPGX-DT proposal could not be granted. Such a mathematical maneuver is just plain nonsense and certainly does not apply to the case at hand where the WALA-DT amendment merely has the status of a pending application.

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If both proposals are authorized, a net increase in population served to 214,4000 persons could be achieved. The 214,400 person figure is the sum of the populations in item E in the tabulation on the penultimate preceding page. The 214,400 person figure represents a greater improvement than could be achieved by either proposal alone.

In summation, Waitt has demonstrated: 1) compliance with the FCC's Rule regarding de minimis interference to the WALA-DT allotment facility which was concurred to by the FCC in adopting the Notice of Proposed Rulemaking; 2) that the arguments raised by WALA-DT with respect to excessive interference based on use of the Appendix B baseline for the proposed expanded coverage for the amended WALA-DT proposal are erroneous and are not recognized in any event by the FCC's announced procedures for determining de minimis interference.

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The WALA-DT amended proposal merely has standing as a pending application, and no special protection privileges are attached. Finally, both the WPGX-DT and the WALA-DT proposals can coexist. In this regard, Waitt is willing to consider an agreement with Emmis based on their respective proposals.

As to the ACTS Comments, ACTS objects to the proposed allotment of Ch. 9 to Panama City, Florida, for DTV use for station WPGX-DT in lieu of the currently allotted Ch. 29. The principal thrust of the ACTS Comments is that the proposed allotment will require displacement of the current WACX-LP facility which operates on Ch. 9 at Tallahassee, Florida.

There is little question that if Ch. 9 is allotted to Panama City, as contemplated in the Waitt petition for rulemaking, WACX-LP would have to be displaced since it would be impractical for WACX-LP and WPGX-DT to operate on a cochannel basis. However, the undersigned has determined that by simply switching WACX-LP to Ch. 8 with the same zero frequency offset as at present and with the same 18 watts of effective radiated power as at present, and with the antenna radiation center height above mean sea level unchanged at

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122 meters, all FCC protection requirements could be fulfilled by WACX-LP. As a matter of fact, power in excess of the current 18 watts would be possible, if desired.

The accompanying Figure 1 shows allocation considerations of importance to the suggested WACX-LP operation on Ch. 8. Under FCC Rules, the WACX-LP 28 dBu, F(50,10) contour must not overlap the cochannel Grade B contour for station WXGA-TV, Waycross, Georgia. Figure 1 shows that a substantial clearance between the two contours would prevail. There are no other cochannel concerns relative to a WACX-LP operation on Ch. 8.

As to adjacent channel concerns, only the analog operation of WJHG-TV, Panama City, Ch. 7, and the DTV proposed operation for WPGX-DT, Panama City, Ch. 9, merit consideration. The 68 dBu, F(50,50) contour for WACX-LP must not overlap the WJHG-TV Grade B contour. The map of Figure 1 demonstrates that no such overlap would occur. With respect to the proposed WPGX-DT, Ch. 9 operation, the WACX-LP, 84 dBu F(50,50) contour must not overlap the 36 dBu F(50,90) contour of the desired WPGX-DT facility. The map of Figure 1 does not show the WACX-LP, 84 dBu, F(50,50) contour since it is

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completely contained within the 68 dBu, F(50,50) contour which is shown. It is axiomatic that no overlap of the critical contours would occur. Thus, even though WACX-LP would be displaced as a result of the adoption of the Ch. 9 DTV allotment at Panama City, a move to Ch. 8 would require only the retuning of the transmitter. No other component of the transmission system would have to be modified or altered. The antenna is believed to be sufficiently broadbanded as to be capable of satisfactory operation on Ch. 8, as well as on Ch. 9.

Although not indicated on Figure 1, the 68 dBu, F(50,50) contour for the WACX-LP Ch. 8 operation, which is the normally protected contour for an LPTV station, would receive some objectionable interference from WXGA-TV. Normally, a LPTV station must accept interference received from a full service TV facility. However, by increasing the WACX-LP effective radiated power to 40 watts, the interference could be pushed back and the station could provide equivalent interference-free 68 dBu service as on Ch. 9. WACX-LP operation on Ch. 8 with 40 watts effective radiated power will provide the required protection to all cochannel and adjacent channel stations.

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I declare under penalty of perjury that the foregoing is true and correct. Executed on January 4, 2000.

A handwritten signature in cursive script that reads "Bernard R. Segal, P.E.".

Bernard R. Segal, P.E.

APPENDIX 2

Declaration of Steven W. Seline

DECLARATION OF STEVEN W. SELINE

I, Steven W. Seline, declare under penalty of perjury that the following statement is true and correct.

I am Vice-Chairman and Vice President of Waitt License Company of Florida, Inc., licensee of Station WPGX(TV), Channel 28, Panama City, Florida ("Waitt").

This Declaration is provided as part of Consolidated Reply Comments being filed in support of Waitt's pending proposal before the Commission to substitute DTV Channel 9 for WPGX's assigned DTV Channel 29.

Waitt acquired WPGX just over a year ago, in November 1998. During this period, and for several years before that, WPGX, a Fox Television Network affiliate, has not originated local programming to the community. The reasons for this have been economic: as a UHF station in a small television market (ranked 157th) with strong competition from four other TV stations, it has proven difficult to derive the revenues necessary to originate local news, weather, sports and other regular local public service programs within our originally anticipated time frame. Waitt is committed to commencing local programming operations at the earliest opportunity and hopes within a matter of months to start local news programming on WPGX's NTSC Channel 28.

The advent of DTV, however, presents significant additional economic difficulties, particularly in more rural areas. Construction costs alone will be

significant for all small market operators and the expense of broadcasting on higher DTV channels must inevitably impact on licensees' ability to provide high-quality service to the maximum number of viewers. Local programming will inevitably suffer if licensees are forced to pump more of their station revenues into utility payments. It was for that reason -- our desire to utilize station revenues for local programs rather than for paying excessive monthly power bills -- that Waitt decided to seek a frequency substitution to DTV Channel 9 once our engineering consultant informed us that such a switch is technically feasible. We understand that Channel 9 DTV operation on WPGX remains a viable possibility.

Waitt looks forward to free and fair DTV competition in the Panama City market. We are willing to work cooperatively with broadcasters to resolve technical problems to our mutual satisfaction and to ease the burden on FCC staff of making difficult and time-consuming decisions that licensees themselves can resolve. For that reason, in connection with our Consolidated Reply Comments, I have instructed WPGX's engineering consultant to attempt to find mutually beneficial solutions helpful to the commenters as well as to us, and he has done so. This serves everyone's interest, and greatly advances the public interest.

Our highest priority for WPGX is improving our local service, to bringing another regular local news, weather and sports "voice" to the community in the digital television era, and to carrying programming of local importance "live" on WPGX as a

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matter of course in the years ahead. We pledge to the Commission that we will initiate such local programming at the earliest feasible time. Permitting WPGX to serve Panama City on DTV Channel 9, freeing up resources for ever improving local program service, will inevitably hasten that opportunity.

Respectfully submitted,


Steven W. Seline

Dated: January 4, 2000

[WPGX Seline Dec.]

** TOTAL PAGE.04 **

APPENDIX 3

**Program Schedules for Station WACX-TV
Channel 55, Leesburg (Orlando), Florida, and
WACX-LP, Channel 9, Tallahassee, Florida
December 26-31, 1999**



WACX-TV -- Program Schedule

Note: WACX is in Orlando, Florida (Eastern Standard Time)

NOTE: Dec 26-31, 1999 "Celebration Countdown" telethon replaces all regular programs.

Return to [WACX-TV](#) | Go to [Tallahassee TV-9 Schedule](#) | Go to [TV Specials](#) | Go to [Children's Schedule](#)

TIME	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
12:00 AM	Sid Roth	Praise the Lord	Hour of Healing	Praise the Lord	Hour of Healing	Praise the Lord	Hour of Healing
12:30 AM	Jimmy Swaggart						
1:00 AM		Celebration	Specials	Hour of Healing	Dean & Mary	Hour of Healing	Praise Report
1:30 AM	Love Special		Jack Van Impe		Set Free		Creflo Dollar
2:00 AM	Del Way	Sign Off	Benny Hinn	Praise Report	Listen America	Praise Report	Rod Parsley
2:30 AM	Alvin Slaughter		Pinnacle	Robbie Warren		Mike Murdock	Hugh Ross

3:00 AM	Set Free	Praise the Lord with Paul & Jan Crouch				Coming Out	John Hagee
3:30 AM	Dr. James Kennedy					Pinnacle	
4:00 AM						Brownsville Assembly	Hal Lindsay
4:30 AM	Angela Courte						Nancy Harmon
5:00 AM	Coming Out					Alvin Slaughter	Jack Hayford
5:30 AM	Joy of Calvary					EV Hill	
6:00 AM	E. V. Hill	Dean & Mary	Mike English	Alvin Slaughter	Angela Courte	LaVerne Tripp	Specials
6:30 AM	Benny Hinn	Connected					Specials
7:00 AM	John Hagee	Kenneth Copeland					Variety
7:30 AM	Cornerstone	Rod Parsley					Variety
8:00 AM	Kenneth Copeland	Benny Hinn					Variety
8:30 AM	Jesse Duplantis	Tommy Barnette	Divine Appt.	At Home	Sea to Sea	Dr. Cherry	Variety
9:00 AM	Fresh Fire	Mark Chironna		Love Special	Diane Bish	Juanita Folsom	Variety
9:30 AM	Gerald Mann	Joyce Meyer					Reppies
10:00 AM	Robert Schuller	The 700 Club					Joy Junction
10:30 AM							Amazing Facts

11:00 AM	1st Baptist Leesburg	Creflo Dollar					Doctor to Doctor
11:30 AM		James Robison					Love Special
12:00 PM	Jack Hayford	Carole Nelson	Pinnacle	Carole Nelson	Pinnacle		Hal Lindsey
12:30 AM		Praise Report					Dino
1:00 PM	H.R. Hall	John Hagee					Cholorad
1:30 PM	Fred Price	World Vision	Campmeeting	Dr. Whitaker	Isaiah/Wings	Variety	Awakening Hour
2:00 PM				Dean & Mary	Praise the Lord with Paul and Jan Crouch		James Robison
2:30 PM	Isaiah/Wings	Jack Hayford	Kay Arthur	Angela Courte		Divine Appt	Love A Child
3:00 PM	Benny Hinn			Coming Out			B.J. Robinson
3:30 PM	Mike Murdock	Just the Facts	Kids vs Crime	Josh McDowell		Carman	Pinnacle
4:00 PM	Jerry Falwell	Dale Evans	Lindsey & Cheryl	Hal Lindsey	Bishop Blair	Hugh Ross	Calvary Assembly
4:30 PM		TD Jakes	Myles Monroe	Carlton Pearson	Kingdom Connection	Dr to Dr	Isaiah/Wings
5:00 PM	Dr. James Kennedy	This Is Your Day -- Benny Hinn					Carlton Pearson
5:30 PM		Connected					LC Callahan
6:00 PM	John Hagee	700 Club					Zachery Tims
6:30 PM							Tommy Barnette
7:00 PM	Rejoice in the Lord	James Robison					Benny Hinn
7:30 PM		Receive Your Miracle	TD Jakes	Bill Bright	Tim Gilligan	Now Abiding Faith	Life Center Church
8:00 PM	John Ankerberg	Rod Parsley	Angela Courte	Chironna	Divine Appt.	Right Connection	
8:30 PM	RW Schambach		Joyce Meyer	Isaiah/Wings		Search M.Lyon	Jewish Voice
9:00 PM	Oral Roberts	R Scarborough	Charles Capps	Dr Jay Dennis	James Robison	God's News Behind News	Brownsville Ass'y
9:30 PM	Creflo Dollar	Carole Nelson	Pinnacle	Carole Nelson	Pinnacle	Coming Out	

10:00 PM	Praise the Lord With Paul & Jan Crouch	Jack Van Impe
10:30 PM		Mac Hammond
11:00 PM		
11:30 PM		Coming Out

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This page last updated 01/12/99.

Tallahassee TV-9 Program Schedule

Note: is in Florida (Eastern Standard Time)

NOTICE: December 26 - 31, 1999 Celebration Countdown Telethon replaces most regular programming!

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TIME	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
12:00 AM	Real Videos	John Jacobs	Praise the Lord	Dino	Praise the Lord	Marilyn Hickey	Real Videos
12:30 AM	Praise the Lord	Dr. EV Hill		Jesse Duplantis		Carmen	G-Rock
1:00 AM	Hal Lindsey	Jack Van Impe	Kingdom Hour	Carman	Kingdom Hour	Tommy Barnett	2 Worlds
1:30 AM	Avanzini	Benny Hinn					Fast Forward
2:00 AM	Jesse Duplantis	Bob Larson	Alvin Slaughter	Mario Murillo	Hal Lindsey	Josh McDowell	Meadowlark Lemon
2:30 AM	Myles Monroe	Dr Whitaker	Ron Luce	Eastman Curtis	Candy Susswell	Dr Gerald Mann	Alvin Slaughter
3:00 AM	Praise the Lord with Paul & Jan Crouch						
3:30 AM							
4:00 AM							
4:30 AM							
5:00 AM							
5:30 AM							
6:00 AM	Mac Hammond	Behind the Scenes / John Avanzini / Efrem Zimbalist Jr					Mike Barber
6:30 AM		Benny Hinn					Flying House

7:00 AM	Rod Parsley	TL Osborn	Dean & Mary	Jubilee	Jerry Barnard	TotaLee Fit	Superbook
7:30 AM		Candy Susswell	Hugh Ross	Marriage	Laverne Tripp	Steve Brock	Colby's Clubhouse
8:00 AM	Sunday School Hour	Rich Wilkerson	Joy / J Jones	Walt Mills	Our Town	Helen Pensanti	Kids against crime
8:30 AM	Dr James Merritt	TotaLee Fit	Mike Purkey	Del Way	Nancy Harmon	Dino	Reppies
9:00 AM	Search M. Lyon	Creflo Dollar					Joy Junction
9:30 AM	Power of Praise	John Hagee					Quigley Village
10:00 AM	Charles Stanley	Rod Parsley					Gospel Bill
10:30 AM		Marilyn Hickey					Janice's Attic
11:00 AM	St Dominic's	Kenneth Copeland					Just the Facts
11:30 AM		Connected	Coming Out	Nancy Harmon	Touching Tallahassee	Ray Brubaker	Kids against crime
12:00 PM	Adrian Rogers	Abundant Life	Jewish Voice	Abundant Living Faith	Health Vision	Connected	Reppies
12:30 AM		Joyce Meyer					Angela Courte
1:00 PM	Jack Hayford	At Home	Behind the Scenes / John Avanzini / Efrem Zimbalist Jr				Calvary Assembly
1:30 PM		Deeper Life					Variety
2:00 PM	Jesse Duplantis	Kingdom Hour					Joyce Meyer
2:30 PM	Pinnacle	Benny Hinn					Patricia Edwards
3:00 PM	Pace Assembly	The 700 Club					BJ Robinson
3:30 PM							Sid Roth
4:00 PM	John Hagee	John Hagee					Insight
4:30 PM		Rod Parsley					New Life

5:00 PM	Patricia Edwards	Praise The Lord					Precept Ministries
5:30 PM	Abundant Living						
6:00 PM	TD Jakes						Laverne Tripp
6:30 PM	United Gospel						Dr Cherry
7:00 PM	DJ Kennedy	Pat Boone	Power of Praise	Praise the Lord	Kingdom Hour	Praise the Lord	Jewish Voice
7:30 PM		TD Jakes	Mark Chironna				RW Schambach
8:00 PM	Brownsville	Behind Scenes	EL Sheppard	Hal Lindsey	Behind the Scenes	Behind the Scenes	Pinnacle
8:30 PM		RW Schambach	Abundant Life	Touching Tallahassee	Billy Hudson	Lakewood Church	Awakening Hour
9:00 PM	Touching Tallahassee	Dino	LC Callahan	Pinnacle	New Life	Fred Price	Joseph Wright
9:30 PM	Praise Report	Jesse Duplantis	Deeper Life	Jack Van Impe	Benny Hinn		Greater Harvest
10:00 PM	Praise the Lord With Paul & Jan Crouch						Jack Van Impe
10:30 PM							
11:00 PM							Brownsville
11:30 PM							Coming Out

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This page last updated 03/17/99.

CERTIFICATE OF SERVICE

I hereby certify that I have, this 7th day of January, 2000, served copies of the foregoing "Consolidated Reply Comments of Waitt License Company of Florida, Inc." upon the following persons via first class United States mail, postage prepaid:

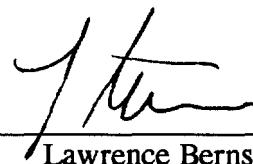
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